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REMARKS

In the present application, claims 1-12 are currently pending. New claims 10-12 have been added. Reconsideration of the instant application is respectfully requested in view of the foregoing amendments and following remarks.

Rejection under 35 U.S.C. § 112

Claims 2-9 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The claims have been amended to clarify the features of the claims. As such, it is respectfully submitted that the amendments remove the rejections under § 112. Withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. § 101

Claim 9 stands rejected under 35 U.S.C. § 101 as being directed to an alleged improper definition of a process. Claim 9 has been amended to address this rejection. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kanaya (US Patent No. 6,482,256). Kanaya does not disclose a mixture of dyes as set forth in the instant claims. Kanaya is directed to ink sets having two magenta ink compositions different from each other in color density, a magenta ink composition with compounds of a higher color density and a magenta ink composition with compounds of a lower color density. The higher color density compounds disclosed include an azo functional group, represented by Formula III. Whereas, the lower color density compounds are disclosed according to Formula IV. (See Kanaya, Summary). The compounds of claim 1 fall within the definition of Formula IV, compounds of lower color intensity, of Kanaya, however, Kanaya does not disclose a mixture of only lower color intensity compounds according to Formula IV consistent with Formula IIb and Formula IIc of claim 1. As such, one skilled in the art, based on Kanaya, would not be motivated or find obvious a mixture of two lower color intensity compounds when CH-8326/LeA 36283

Kanaya clearly teaches mixing a higher color intensity compound with a lower color intensity compound. As such, the instant mixture is not obvious in view of this teaching.

Furthermore, the inventors of the present invention found that the mixture of dyes according to instant claims provides an unexpected result over prior mixtures, including Kanaya. The Examiner's attention is directed to page 3, lines 15-21 of the application as filed. Here it is set forth that a mixture of Acid Red 82 (corresponding to Formula IIb of claim 1) and Acid Red 80 (corresponding to Formula IIc of claim 1), surprisingly, have enhanced long term stability in ink formulations. Furthermore, mixtures of Acid Red 82 with Acid Red 81 have distinctly worse long term stability. Acid Red 80, Acid Red 81, and Acid Red 82 are all similar to the Formula IV, lower color intensity compounds LM-15, LM-14, and LM-13 of Kanaya, respectively. The Examples of the instant specification set forth this unexpected result more clearly. For instance, Example 4 is a dye solution having Acid Red 82 alone. Precipitations were observed after 8 weeks of storage at room temperature and after 20 days at 50°C. Example 5 is a dye solution of Acid Red 80 alone. Precipitations were observed after 6 weeks at room temperature and after 20 days at 50°C. Example 6 is a dye mixture of Acid Red 82 and Acid Red 81. In this mixture, precipitations were observed after 2 weeks of storage at room temperature and after 5 days at 50°C. Example 3 illustrates a dye solution according to the present invention having a 90:10 ratio of Acid Red 82 to Acid Red 80. As set forth in Example 7, the composition of Example 3 shows that no precipitations whatsoever were observed even after a storage of 6 months at room temperature or at 50°C. To further illustrate the advantages of the mixture according to claim 1, attached hereto is a Declaration signed by one of the inventors showing a mixture of Acid Red 82 and Acid Red 80, labeled ink A1, had no precipitations observed after 6 months at room temperature and at 50°C. The ink labeled ink B1, was a mixture of Acid Red 82 and the LM-14 of Kanaya. Ink B1 showed precipitations after just 2 weeks at 50°C. All of the mixtures above fall within the definition of Formula IV of Kanaya yet only the mixture of Formula IIb and Formula IIc of claim 1 showed the unexpected result of improved long term storage stability. As such, there is no motivation in Kanaya for one skilled in the art to select the compounds according to Claim 1 for a mixture having this unexpected result. Therefore, it is

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respectfully submitted that the present claims are not obvious in view of Kanaya.
Withdrawal of the rejection is respectfully requested.

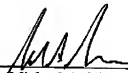
Claims 2-9 either directly or indirectly depend from claim 1 and are patentable over the cited reference for at least the same reasons as set forth above with regard to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

New claims 10-12 are believed by the Applicants to be patentable over the cited reference. A prompt allowance of these claims is respectfully requested.

In view of the foregoing, claims 1-12 are now in condition for allowance. A reply to this Amendment in the form of a Notice of Allowability is hereby solicited.

Respectfully submitted,

By



Michael A. Miller
Attorney for Applicants
Reg. No. 50,732

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LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2232
FACSIMILE PHONE NUMBER:
(412) 809-1054

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